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**Sent:** 29/06/2015 12:00:26 PM  
**Subject:** Corrected Submission re mariton planning proposal  
**Attachments:** 29th June 2015 submission Corrected.docx;

Dear Council Officers

I submitted my comments re the above start of business today.

I had made a mistake in spelling a surname of Mr john Mant ...as well as correcting a paraphrased comment form commissioner Morris .

**Can you please delete this am's submission and instead accept this Corrected Version as attached**

With thanks

Cleveland Rose



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27<sup>th</sup> June 2015

**Comment re PLANNING PROPOSAL**

**'Site B' – Pittwater Road, Howard and Oaks Avenue, Dee Why**

Having sited the above plans and supporting documentation, I would like to express my robust opposition to this latest round of modifications.

From the outset it needs to be stated that this Development Application (DA) , now under ownership of Meriton , originally submitted 2007 by Multiplex DA 2007/1249, has been without a doubt, one of the most controversial DAs for the northern beaches region in the last decade.

I would venture so far to say it's been the most contentious.

The entire conception of this design has been a succession of disastrous, misguided planning and urban design decisions; aided and abetted by a Warringah Council officers .

The original DA submission was conducted under the direct negotiations with the then state appointed Administrator Mr. Dick Person. Note Council had been previously sacked by the then State Government!

Mr. Person used his discretionary individual planning powers to allow the original multi storey'd twin towered DA to be granted despite considerable opposition by both local community as well as the broader Warringah community in general, who deemed the project inappropriate for both the built context (scale, bulk and height) and the available ( lack of adequate) infrastructure of Dee Why Town Centre.

The current DA's built form of 18 and 17 storey towers will without doubt, obliterate multiple views and vistas from surrounding established residential dwellings looking outwards to both the north and east in particular.

From my understanding there was never a proper, thorough investigation into these issues regarding the negative visual repercussions of the height of these towers. This is a major oversight by Warringah Council and has set an unfortunate precedent for other developers who simply want to maximize their profit margins in whatever form of development that is easiest to build.

The excessive towers heights of the original DA were more than double the existing heights of the then LEP i.e. the 24ms height limit which equates approximately to approximately 8 storey's of standard ( i.e. 3ms each level ) development.

I firmly believe that had this DA been assessed within the normal governance, i.e. a proper functioning council with elected representatives that our community would not be in this current dilemma of having to object to a DA already grossly and unfairly over scaled, from becoming even more excessive and ultimately inappropriate for the town centre and its community.

This DA with its latest submission of modifications provides a near perfect example of what the imminent Sydney based legal planning expert and City of Sydney Councillor Mr. John Mant cites (*Sydney Morning Herald* June 2015) as *Development Creep* i.e. paraphrasing Mr. Mant where development in its

DA phase, undergoes successive incremental increases to its physical form or its mix of use in order to increase its yield hence provide even greater profit margins.

This form of relentless successive modifications relies on basically following *the path of least resistance* by usually applied by the developer.

However as Commissioner Morris stated in her deliberations regarding the failed Cobalt DA modifications 2014, mentioned (note I paraphrase ms Morris's words) it is highly unusual for a council, as in Warringah's case, to likewise indulge in promoting non compliant modifications including additional height floor space in excess of their own LEPs and against the will of its own constituents .

The well resourced larger developer s with their expert planning advisors commissioned to deliver large volumes of submission documentation that the general public with their usual demands for time would find difficult to access.

The other significant point I would raise is that the entire process of pre gateway review system is currently under review by the new planning Minister Mr. Rob Stokes. Mr Stokes is quoted in SMH May 2-3 2015 as wanting to examine the (current) planning system that is "*providing endless back door opportunities for disreputable developers to push their proposals*" ..the pre gateway review system which allows proponents to challenge rezoning issues".

Even considering that among other planning instruments, the *gateway proposal system* is currently undergoing review in itself surely warrants that anything associated with Gateway Proposals should at the very least, be postponed until the above mentioned planning review has been completed and its finding made public.

My specific opposition to this modification, referring the table provided Pg 9 of the Planning Proposal documentation is as follows:

**1. Increased Residential and decreased commercial/retail floor areas : the proposal increases residential unit no's from 300 to 461 i.e. 154 % increase.**

Considering the central location of the DA, the combined size of what was promised to become a vibrant mixed use development, this dumbing down of the employment generating floor areas is totally contrary to what has been both promised for the site and more to the point what is actually required.

The Town centre is suffering a significant over supply of medium to high density residential projects. Yes its market driven and units are being sold off the plan majority to investors and not first home buyers etc but the question need to be asked ...*what will the town centre look like in the future post the residential boom ?*

Council's own planning instruments in particular its LEPs, have supported directly this imbalance favouring residential development over a healthy mix of living and working opportunities.

Furthermore this imbalance is contrary to the strategic planning principles of the states own Sydney Metropolitan Plan for Dee Why Brookvale as the major town centre for the entire north eastern region where a healthy vibrant mix of use is stated.

Placing residential units right in the centre and such large quantities all requiring their respective mandatory car parking spaces will clearly have a detrimental effect on the pedestrian amenity of the town centre not to mention create vehicular chaos. This echoes the long discarded city planning/city building principles of the 1970's. Why does Warringah persist in pursuing these out of date principles?

**2, The DA decreases its total retails floor areas from 33,400 to 8,710 m2. I.e. a staggering reduction of 74% of the original amount.** Other business total floor space is reduced from 4,200 to 3,057 M2 i.e. a reduction equating to 28% of the original area. Both these reductions in employment generating floor areas do nothing to support a sustainable Town centre of the future. The Town Centre needs many additional work spaces of all types, not just the traditional type offices/work spaces that cater for established professions and the ubiquitous chains of retails shops where higher rents are the norm.

To encourage younger people to start their own businesses on the northern beaches ( as opposed to the current drain of talent and resource to other more inclusive urban centers) small *start up spaces/offices* are required and they need to be at or at the least near street level so they can attract passing trade etc. The DA should be providing some opportunity for these and not resorting to the usual business model where such arrangements are financially impossible to achieve.

**3. Reduction of Commercial Floor Area: which is from 37,600 to 11,767 M2 i.e. a reduction of 69% :** this simply means that more people will be forced to endure long commutes to their work opportunities rather than simply providing them with work space within the building itself and a potential walk to work. By reducing both the employment floor areas and increasing the residential areas, the future town centre will effectively become a high rise residential dormitory that simply adds to the pressure of commuting to CBD or Chatswood for work. The loss of productive hours spent commuting has been well documented to having a negative effect on the metropolitan economy not to mention the loss in quality of life for those unfortunate enough to have to do commute long distances.

**4. Parking No's have reduced from 1500 to 1141.** There is a reduction of some 24% of total car parking spaces. **This is the only positive piece of the entire modification.** Attracting large no's of cars to enter the inner sanctum of an urban centre is totally at odds with current world's best practice in city can town building. One stipulation however car parking should not be overwhelming the ground floor or town centre floor plan. Any additional car parking spaces at ground floor will displace important public amenity. I would not support any further increase to car parking at the street level.

As per the original DA carparking should be confined to below ground level.

#### **5. Scale, Bulk and Height:**

- **Increase of the podium height from RL 31 to RL 32** I have no problem with this increase.
- **Street wall increase to Pittwater Rd from 38 ms to 47 ms:** that is the latter being of the order of approx 15 storeys in height (based on 3ms storey heights)! It should be noted that currently the tallest building edge to boundary exists on the northern gateway site on the corner of Dee Why Parade and Pittwater Rd, the building being 8 storeys in height though in fact only 6 storeys front onto the street boundary. This proposal would be almost 3 times that existing sheer height! ...This is simply preposterous and would do great damage to the already fragile streetscape of Pittwater Rd. I believe that the maximum height of any street wall to boundary should be 6 standard levels @ 3ms i.e. **18ms as per the existing afore mentioned example.**

- **An increase in the height of the building element in the North east corner of the site from RL 31 to RL 41 ms;** this is again a case of inflating what is already an over scaled development. What visual analysis has been undertaken by the developer and indeed requested by the council who are consent authority on this increase in height.? I understand this is just a ambit claim without any background research and should be dismissed accordingly.

In summary I do not believe that the proposed modifications reflect the clear strategic criteria as outlined in the most recent update of the Sydney Metropolitan Plan.

It is evident that Warringah Council is determined to progress this DA at any cost and has little if any regard for the deep concerns of the overall community including residents, business folk and land owners form Dee Why and Warringah generally.

I am concerned at the way in which council conducts itself in matters of large scale developments against the will of the local communities. It has treated the public its own constituents with at best in a condasending manner and at worse with contempt.

I believe that in the case of these DA modifications, those who oppose it should be entitled to have a **public voice in a proper public forum** beyond just writing another letter of disapproval.

I look forward to that opportunity to discuss this important matter.

Sincerely

Cleveland Rose

Resident

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